

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CV-511-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**APPROXIMATELY FIFTY-FIVE NEW-IN-
BOX APPLE IPHONES, APPROXIMATELY
FIFTY-TWO NEW-IN-BOX APPLE
IPHONES, APPROXIMATELY \$178,582 IN
UNITED STATES CURRENCY, and
APPROXIMATELY \$20,536.20 IN FUNDS,**

Defendants,

and

PROTOCOL BUSINESS GROUP, INC.,

Claimant.

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding status and scheduling concerns. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having considered the record, and noting the recent appearance of new counsel for Defendants/Claimant, the undersigned finds that a Status Report may be helpful.

The related criminal trial in USA v. Mhana, 3:20-CR-078-MOC-SCR, concluded on May 22, 2023. The jury in the related criminal trial issued guilty verdicts and “returned a Special Verdict as to forfeiture of the seized electronic items and funds, **the same items and funds at-issue in this case.**” (Document No. 29) (emphasis added). Mr. Mhana’s counsel in the criminal action, Mark A. Jones, has now filed an appearance in this action on behalf of Defendants/Claimant. (Document No. 32).

The undersigned notes that this action was filed almost three (3) years ago, and has made little, if any, progress while the related criminal action was pending.

Under these circumstances, the undersigned will respectfully direct counsel for the parties to confer via some “live” form of communication (in-person, Zoom, Teams, telephone conference) to discuss the status of the case and possible resolution. The parties should then file a Notice of Settlement, or a Status Report that shows cause why this action should not be dismissed and proposes new case deadlines or explains why the stay should be continued.

IT IS, THEREFORE, ORDERED that the parties shall file a Notice Of Settlement or a Status Report (jointly if possible), on or before **July 28, 2023**.

SO ORDERED.

Signed: July 12, 2023



David C. Keesler
United States Magistrate Judge

